

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

AH KIT TOO, Individually and on Behalf of All  
Others Similarly Situated,

Plaintiff,

v.

ROCKWELL MEDICAL, INC., ROBERT L.  
CHIOINI, AND THOMAS E. KLEMA,

Defendants.

Lead Case No. 1:18-CV-04253

Judge Allyne R. Ross

CLASS ACTION

ROBERT SPOCK, Individually and on behalf of  
all others similarly situated,

Plaintiff,

vs.

ROCKWELL MEDICAL, INC., ROBERT L.  
CHIOINI, AND THOMAS E. KLEMA,

Defendants.

Consolidated Case No. 1:18-CV-04993

Judge Allyne R. Ross

CLASS ACTION

**NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION**

**TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

**PLEASE TAKE NOTICE** that, pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice (“Preliminary Approval Order,” ECF No. 56), on February 26, 2020 at 11:00 a.m., before the Honorable Allyne R. Ross, in Courtroom 2E of the United States Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, Lead Plaintiffs Robert Spock and Duck Pond Partners, LP (collectively, “Lead Plaintiffs”)<sup>1</sup> will and hereby do move the Court to: (1) grant final approval of the Settlement in the above-captioned action on the terms set forth in the Stipulation; and (2) approve the proposed Plan of Allocation for distribution of the Net Settlement Fund.

This motion is based on this Notice of Motion; the memorandum of law in support thereof; the Declaration of Austin P. Van and Casey E. Sadler in Support of (1) Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan of Allocation; and (2) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses; all exhibits thereto; all pleadings and papers filed herein; arguments of counsel; and any other matters properly before the Court. This motion is unopposed by Defendants.

Proposed orders granting the requested relief will be submitted with the reply papers after the deadline for objecting to Lead Plaintiffs’ motion has passed.

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<sup>1</sup> All capitalized terms that are not otherwise defined herein have the same meanings as set forth in the Stipulation of Settlement dated August 6, 2019 (“Stipulation,” ECF No. 55-8).

Dated: January 22, 2020

Respectfully submitted,

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*Lead Counsel for Lead Plaintiffs*

**PROOF OF SERVICE**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On January 22, 2020, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Eastern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 22, 2020.

*s/ Casey E. Sadler*

Casey E. Sadler